

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ANTHONY LEMON, et al.,

Plaintiffs,

vs.

BEAR STEARNS MORTGAGE
CORP., et al.,

Defendants.

CASE NO. CV 11-03677 ODW (FMOx)

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS [6] [Filed
05/05/11] and VACATING HEARING
THEREON**

**ORDER GRANTING PLAINTIFFS'
REQUEST TO AMEND [17] [Filed
5/31/11]**

Pending before the Court is Defendant, EMC Mortgage Corporation's ("Defendant"), Motion to Dismiss Plaintiffs, Anthony Lemon and Laurielle Lemon's (collectively, "Plaintiffs") Complaint. (Dkt. No. 6.) Plaintiffs filed an Opposition on May 31, 2011, in which they failed to substantively address Defendant's arguments, but instead requested leave to amend their Complaint. (Dkt. No. 17.) Notwithstanding Plaintiffs' failure to address Defendant's arguments, the Court has carefully considered Defendant's Motion and the arguments contained therein, and for the reasons discussed in Defendant's papers, hereby **GRANTS** the Motion to Dismiss. The June 13, 2011 hearing on this matter is **VACATED** and no appearances are necessary.

Additionally, in accordance with Federal Rule of Civil Procedure 15(a)(2), which states that courts should “freely give leave when justice so requires[,]” the Court hereby **GRANTS** Plaintiffs’ request for leave to file an amended complaint. Plaintiffs are ordered to file an amended complaint within thirty (30) days of the date of this Order. If Plaintiffs fail to do so, all claims against Defendant will be dismissed.

IT IS SO ORDERED.

June 8, 2011

HON. OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE